



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 29 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawrence Webb
Garwood Community Water
P.O. Box 66
Covel, West Virginia 24719

RE: Notice of Violation, Docket No. SDWA-03-2016-018-VS
Garwood Community Water System, Covel, Wyoming County, West Virginia
PWS ID No. WV3305519

Dear Mr. Webb,

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human Resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on the information we possess:

1. Lawrence Webb is the Respondent of the Garwood Community Water public water system (PWS), PWS Identification Number WV3305519 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. According to the information provided by WVDHHR, Garwood Community Water is a ground water System that serves approximately 55 persons and has 23 service connections. Therefore, the System is both a public and community water system as defined by Section 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f (4), 300f (15), and by 40 C.F.R. § 141.2.
3. Respondent failed to monitor for the volatile organic compound (VOC), p-Dichlorobenzene, as required by 40 C.F.R. § 141.24 during the quarterly monitoring periods beginning July 2014, October 2014, January 2015, April 2015, July 2015 and October 2015.
4. Respondent failed to monitor for radionuclides, gross alpha particle activity and radium-228, as required by 40 C.F.R. § 141.26 during the monitoring period beginning January 2008 through December 2013.
5. Respondent failed to monitor for nitrate and nitrite, as required by 40 C.F.R. § 141.23(d)-(e) during the annual monitoring period beginning January 2015.

6. Respondent failed to collect the scheduled routine total coliform samples from the site approved in the written site sampling plan, as required by 40 C.F.R. § 141.21(a)(1)-(2), during the monthly monitoring periods from August 2014 through January 2016.
7. Respondent failed to monitor for the chlorine disinfectant concentration in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as required by 40 C.F.R. § 141.132 (c)(1) during the quarterly monitoring periods beginning July 2014, October 2014, January 2015, April 2015, July 2015 and October 2015.
8. Respondent failed to report to WVDHHR the chlorine disinfectant concentration in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled within ten (10) days of the monthly monitoring period end date, as required by 40 C.F.R. § 141.134 (a) in July 2014, October 2014, January 2015, April 2015, July 2015, and October 2015.
9. Respondent failed to monitor the residual chlorine disinfectant concentration using the approved analytical methods at a State-approved sampling location each day the System provides water to the public, as required by 40 CFR § 141.403(b)(3)(i)(B), for the monthly monitoring periods of January 2015, as well as, March through January 2016.
10. Respondent failed to employ a certified operator who meets the requirements specified by the State and who is included in the State register of qualified operators, as required by 40 C.F.R. § 141.130(c), since August 2015.
11. Respondent failed to address the significant deficiencies documented in the 2013 Sanitary Survey conducted by WVDHHR within thirty (30) days of receipt as required by 40 C.F.R. 141.403(a).
12. Respondent failed to complete corrective action in accordance with State specified actions within one-hundred twenty (120) days of receiving written notice from the State of significant deficiencies, as required by 40 C.F.R. § 141.404.
13. Respondent failed to deliver one copy of the 2014 Consumer Confidence Report (CCR) to each member of the service population by July 1, 2015, as required by 40 C.F.R. § 141.152(a) and § 141.155(a).
14. Respondent failed to deliver a copy of the 2014 Consumer Confidence Report (CCR) to WVDHHR by July 1, 2015, as required by 40 C.F.R. § 141.155(c).

The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Michelle Audie at 215-814-5457, if you wish to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized to issue either an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondents are required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondents of any liability for violations of the SDWA. Respondents may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondents provide may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondents are directed to provide EPA the following information:

1. Name and street address of the primary owner(s) of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator(s) of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
3. Number of persons served drinking water by the System per day, on average.
4. Number of service connections to the System.
5. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
6. A copy of the most recently performed sanitary survey for the System.
7. Copies of all volatile organic compounds (VOCs) laboratory analyses conducted since July 2014.
8. Copies of all radionuclides laboratory analyses conducted since January 2008.
9. Copies of all nitrate and nitrate laboratory analyses conducted since January 2015.
10. Copies of all total coliform laboratory analyses performed since August 2014.
11. Copies of all chlorine residual concentration data collected in the distribution system during routine total coliform sampling since July 2014.
12. Copies of all chlorine residual concentration data collected at the State-approved sampling location since January 2015.
13. A copy of the 2014 Consumer Confidence Report (CCR) for the System.
14. Copies of any written responses forwarded to WVDHHR concerning the significant deficiencies cited in any Sanitary Survey conducted at the System.
15. Copies of any correspondence or reports forwarded to WVDHHR concerning violations and public notifications for the violations listed in paragraphs 3 through 14 of the Findings.
16. Any existing plans and schedules for monitoring, reporting and public notification.

17. Your response to this Notice of Violation and Request for Information shall be in writing.
18. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Ms. Michelle Audie
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Audie.Michelle@epa.gov

and

Mr. Walter M. Ivey
West Virginia Bureau of Public Health
Office of Environmental Health Services
Environmental Engineering Division
WV Department of Health and Human Resources
Capitol and Washington Streets
1 Davis Square, Suite 200
Charleston, WV 25301-1798

If you have any questions, please contact **Michelle Audie** at **215-814-5457**.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

cc: Mr. Walter M. Ivey, WVDHHR Charleston Office
Ms. Meredith Vance, WVDHHR Charleston Office
Mr. John PB. Stafford, WVDHHR Beckley District Office